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9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 **JOHN HSU,**

14 Plaintiff,

15 v.

16 **CALIFORNIA DEPARTMENT OF TOXIC**  
17 **SUBSTANCES CONTROL and JEFFREY WONG,**

18 Defendants.  
19

Case No.: C08-02586 MHP

**DEFENDANTS' RULE 26(f)  
REPORT**

20 Defendants California Department of Toxic Substances Control and Jeffrey Wong  
21 (hereinafter collectively "defendants") in the above-entitled action submit this separate, proposed  
22 discovery plan pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. On August 7,  
23 2008, Defendants' counsel forwarded to Plaintiff pro se a draft Joint Rule 26(f) Report on the  
24 following matters to comply with the Court's Order Setting Initial Case Management Conference  
25 And ADR Deadlines. The parties were unable to reach an agreement to the Rule 26(f) Report,  
26 thus Defendants file this separate Report.

27 **1. Disclosures under Rule 26(a)(1):**

28 On August 7, 2008, the parties met and conferred in-person and agreed to exchange Initial

1 Disclosures by August 21, 2008. Defendants served Plaintiff its Initial Disclosures on August  
2 21, 2008. As of the date of this Statement, Plaintiff has failed to timely provide Defendants with  
3 his Initial Disclosures. On August 26, 2008, after our agreed-upon deadline, Plaintiff faxed a  
4 letter and attached his “draft Joint Case Management Statement,” wherein there is a section  
5 entitled, “Disclosures.” However, because it was listed within a document that Plaintiff referred  
6 to as a “draft,” Defendants informed Plaintiff that they had not received his Initial Disclosures as  
7 required by Rule 26.

8 **2. Discovery Plan:**

9 Defendants anticipate discovery needed on the subject of liability and damages, to be  
10 completed 30 days before trial, and request that at this time it not be conducted in phases or be  
11 limited to or focused on particular issues.

12 Defendants estimate propounding written discovery by December 2008, and completing  
13 depositions by March 2009.

14 **3. Disclosure or Discovery of Electronically Stored Information:**

15 At this time, Defendants do not have any issues requiring the Court’s attention.

16 **4. Claims of Privilege or of Protection as Trial-Preparation Materials:**

17 At this time, Defendants do not have any issues requiring the Court’s attention.

18 **5. Discovery Limitations:**

19 Defendants anticipate that, in some instances, they may need to exceed the time-length  
20 limitation on depositions, and propose to cooperate in good faith in resolving any such issues.

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1 **6. Any Other Orders under Rule 26(c) or under Rule 16(b) and (c):**

2 None requested at this time.

3  
4 Dated: August 29, 2008

EDMUND G. BROWN JR.  
Attorney General of the State of California  
MIGUEL A. NERI  
FIEL D. TIGNO  
Supervising Deputy Attorneys General

7  
8 /s/LILLIAN Y. TABE

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LILLIAN Y. TABE  
Deputy Attorney General  
Attorneys for Defendants

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *John Hsu v. California Department of Toxic Substances Control, et al.*

No.: **U.S. District Court, Northern District of California, Case No. C08-02586 MHP**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 29, 2008, I served the attached **DEFENDANTS' RULE 26(f) REPORT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at P.O. Box 70550, Oakland, CA 94612-0550, addressed as follows:

John Hsu  
P.O. Box 1255  
Berkeley, CA 94701

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 29, 2008, at Oakland, California.

Teresa E. Dueñas

Declarant

/s/Teresa Dueñas

Signature